

Passage of the TVPRA is a tribute to the leadership and legacies of Senator Wellstone and Representative Lantos.

I am pleased that the authors of the TVPRA included two of my human rights initiatives from the 110th Congress. First, the TVPRA contains a law enforcement initiative I introduced with Senator COBURN called the Trafficking in Persons Accountability Act, which will allow Federal prosecutors to investigate and prosecute traffickers found in the United States even if their trafficking crimes were committed abroad. This initiative, which I discussed in more detail in a CONGRESSIONAL RECORD statement on October 1, 2008, makes an important statement about this nation's intolerance for human rights abuses wherever they occur.

The Justice Department's Civil Rights Division, working with other DOJ components and with U.S. attorney's offices around the country, brought a record number of trafficking prosecutions in fiscal year 2008, and the TVPRA provides the Justice Department with additional tools—including the Trafficking in Persons Accountability Act—to continue its vigorous fight against human trafficking.

The TVPRA also includes another human rights initiative of mine—the Child Soldier Prevention Act—to deter the use of children as soldiers in armed conflicts around the world. Each day, up to 250,000 children are exploited in state-run armies, paramilitaries, and guerilla groups around the world. These child soldiers serve as combatants, porters, human mine detectors, and sex slaves. Their health and lives are endangered and their childhoods are sacrificed. The lasting effects of war and abuse may also remain with them long after the shooting stops.

The Child Soldier Prevention Act, which I introduced with Senator BROWNBACK in 2007, is designed to encourage governments to disarm, demobilize, and rehabilitate child soldiers that are being used and abused in government forces and government-supported militias. Using the State Department's Country Reports on Human Rights as a barometer, this bill limits the provision of U.S. International Military Education and Training, Foreign Military Financing, and other defense-related assistance in our foreign operations programs for countries that use child soldiers. Countries that are identified in a Human Rights Report as recruiting or using child soldiers in government armed forces or government-supported paramilitaries or militias in violation of international standards would lose their eligibility for substantial U.S. assistance.

Ishmael Beah made a compelling case for the urgent need for this legislation in his testimony last year before my Senate Judiciary Subcommittee on Human Rights and the Law, and in his firsthand account of his years as a child soldier in Sierra Leone in his book "A Long Way Gone: Memoirs of a

Boy Soldier." In his testimony before my subcommittee, Mr. Beah said:

As I speak to you, there are thousands of children from ages 8 to 17—in Burma, Sri Lanka, Congo, Uganda, Ivory Coast, Colombia, just to name a few places—that are being forced to fight and lose their childhoods and their families. They are maimed and lose their humanity, and these are the fortunate ones. Those who are less fortunate are killed in the senseless wars of adults.

There are credible reports that children are again being recruited to fight in the Democratic Republic of Congo, a country that has suffered a recent horrific surge in violence after years of being ravaged by war, and a country that receives U.S. military assistance. The United Nations Children's Fund reports that the forced recruitment of children as soldiers in Congo is widespread and on the rise. Since the most recent outbreak of violence in August, more than 250,000 people have been displaced. According to the U.N., children who flee their homes are often separated from their families, and therefore left unprotected and vulnerable to warring parties that force them into their armies.

The use of child soldiers directly contravenes U.S. policy and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which the United States ratified in 2002. The United States has a moral obligation to avoid funding armed forces that use child soldiers. I am proud that with the passage of the TVPRA, we have taken an important step to try to stop this abhorrent practice.

Finally, I want to highlight an important provision in the TVPRA that will crack down on foreign diplomats in the United States who abuse their domestic employees. At a Human Rights and the Law Subcommittee hearing I chaired in 2007 regarding human trafficking, we heard testimony from a distinguished human rights lawyer, Martina Vandenberg, who represents several trafficking victims in lawsuits against their traffickers. Due to the doctrine of diplomatic immunity, a legal principle that exempts certain government officials from the jurisdiction of U.S. courts, Ms. Vandenberg indicated that such lawsuits are routinely dismissed.

A July 2008 GAO report, which Senator COBURN and I requested, revealed that there have been 42 documented allegations in the United States of unlawful abuse, exploitation, or human trafficking by foreign diplomats with immunity since 2000, and that the Justice Department has opened 19 criminal investigations of foreign diplomats in the past three years alone. These are not isolated incidents.

The TVPRA requires the Secretary of State to suspend the issuance of A-3 and G-5 visas—used for the hiring of non-U.S. citizens as domestic workers—with respect to foreign diplomats employed by a country or international organization that has a record of tolerating the abuse or exploitation of do-

mestic workers. The act also prevents such visas from being issued or renewed unless the domestic worker meets personally with a U.S. consular official outside the presence of the employer to go over their employment rights and protections. And the act contains a robust reporting requirement that will help keep Congress informed about future incidents of abuse of A-3 and G-5 visa holders, as well as about options to ensure that victims receive appropriate compensation if their rights are violated but they are prevented from seeking a remedy in court due to the assertion of diplomatic immunity.

Human trafficking is a form of modern-day slavery. President-elect Barack Obama has called it "a debasement of our common humanity." With the passage of the TVPRA—the fourth major antitrafficking bill passed by Congress in the past 8 years—Congress has once again exercised its moral leadership on one of the most urgent human rights challenges of our time.

#### ANNOUNCING CHRISTOPHER JAMES DUFFIELD

Mr. KYL. Madam President, I rise today to announce to the Senate the arrival of another Duffield in this world. Christopher James Duffield was born to his parents, Steven and Cara, on the third day of November. Christopher's father Steven served as the executive director of the Platform Committee at this year's Republican Convention in Minneapolis. Prior to that, Steven served as a senior policy advisor and chief counsel to me at the Republican Policy Committee and the Senate Republican Conference. Christopher's mother, Cara, is a partner at the law firm of Wiley Rein.

Christopher joins us at what is a tumultuous and difficult time for both the Nation and the Republican Party. On November 4, we Republicans fared poorly in Federal elections, losing the Presidency and deepening our deficit in the House and Senate. The new majority promises to cure the Nation's economic ills with a Keynesian spending spree of the type that worked so brilliantly in the 1930s, and pledges that it will reduce taxes for 95 percent of Americans, while only increasing them for some other guy. Many fear that the coming years will put the test to Alexis de Tocqueville's warning that "the American Republic will endure, until politicians realize they can bribe the people with their own money."

Meanwhile, since September of this year, the United States has experienced a severe financial crisis, precipitated by the collapse of banks that have been overwhelmed by the weight of unsound mortgages that they acquired. Many established and storied financial institutions have disappeared in bankruptcies and mergers during the last few months. As lending has tightened, unemployment has increased, and



the Nation appears to be headed into a deep recession. And on November 26, as if to remind us that the other problems confronting our nation have not receded, a group of Islamic terrorists attacked innocent civilians in the Indian city of Bombay, killing 171 people. Those attacks reminded many of us of the evil that this Nation faced on September 11, 2001, and of the long war that still lies ahead of us.

And yet—and yet, things are not so bad. The United States is about to complete another peaceful democratic transition, and has just elected its first African-American President, giving hope to many that the Nation will yet overcome its racial divisions. The current credit crisis is not unlike ones that we have survived in the past, and our understanding of the financial system and how to fix it certainly is much deeper than it was in 1929. And, had you asked Americans 7 years ago, very few then would have dared to guess that the United States would not suffer any foreign terrorist attacks on its soil during these ensuing 7 years.

The Republican Party, though currently unloved, will return to its roots and eventually regain the confidence of the American people. And though Republicans will be out of power in the political branches, the current President, with a little help from his friends, has made two very fine appointments to the U.S. Supreme Court, restoring a semblance of the rule of law to that branch of government for the first time in many years.

The Republicans' loss of the Presidency may even have some salutary effects. Already, there are signs that with a Democrat coming to the White House, our Nation's liberal press may relent in its 8-year assault on the authority of the executive branch. On the day that Christopher was born, I and many others picked up the New York Times and nearly spilled our coffee when we came across a front-page article that was titled: "Next President Will Face Test on Detainees—Some at Guantanamo Called Serious Risks." I will ask that a copy of this article be printed in the RECORD following my remarks.

For at least 5 years now, anyone who relied on the New York Times as a source of information about the world was liable to come away with the impression that the men held by our military at the Guantanamo Naval Station are detained there purely out of spite or out of some other even less pure motive. News stories about Guantanamo have credited every accusation made by the detainees and their lawyers, no matter how implausible, but would treat with great skepticism any evidence that the Guantanamo detentions are necessary—that is, on the rare occasion when the papers could even be bothered to report such evidence.

And yet just as a Democratic Presidential victory began to seem inevitable, the New York Times treats us to this article. We learn therein that

many of the detainees have participated in terrorist attacks against Americans, are skilled in bombmaking and other terrorist arts, or have announced that they would like nothing better than to return to killing innocent people. For some of us, it is not news that the men detained at Guantanamo are dangerous. I would invite my colleagues to review the minority views that I and others submitted for Senate Report 110-90, or Justice Scalia's dissenting opinion in the Boumediene case. And on November 3, for the first time, such information is not news even to those who trust the New York Times.

Public-relations victories like this one are important, for ultimately our enemies do not expect to defeat us on the battlefield. Rather, they seek to win by sowing fear, by demoralizing us, and by weakening our will to defend ourselves. Their particular brand of medieval barbarism will never sustain a civilization capable of defeating us in a conventional battle, but even a powerful nation such as ours must be willing to fight if it is to prevail against such an enemy.

I know that Steven and Cara will instill in young Christopher, and his sister Laura, an appreciation and respect for our Nation, its unique institutions, and its open and democratic culture. It is just such people, who understand this country and its virtues, who ultimately will ensure that the American way of life continues and even thrives. And it is thus with hope for the future that I welcome young Christopher James Duffield to this world.

I ask unanimous consent that the following news article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 3, 2008]

NEXT PRESIDENT WILL FACE TEST ON  
DETAINEES

SOME AT GUANTANAMO CALLED SERIOUS RISKS  
(By William Glaberson and Margot Williams)

They were called the Dirty 30—bodyguards for Osama bin Laden captured early in the Afghanistan war—and many of them are still being held at Guantanamo Bay, Cuba. Others still at the much-criticized detention camp there include prisoners who the government says were trained in assassination and the use of poisons and disguises.

One detainee is said to have been schooled in making detonators out of Sega game cartridges. A Yemeni who has received little public attention was originally selected by Mr. bin Laden as a potential Sept. 11 hijacker, intelligence officials say.

As the Bush administration enters its final months with no apparent plan to close the Guantanamo Bay camp, an extensive review of the government's military tribunal files suggests that dozens of the roughly 255 prisoners remaining in detention are said by military and intelligence agencies to have been captured with important terrorism suspects, to have connections to top Al Qaeda leaders or to have other serious terrorism credentials.

Senators John McCain and Barack Obama have said they would close the detention

camp, but the review of the government's public files underscores the challenges of fulfilling that promise. The next president will have to contend with sobering intelligence claims against many of the remaining detainees.

"It would be very difficult for a new president to come in and say, 'I don't believe what the C.I.A. is saying about these guys,'" said Daniel Marcus, a Democrat who was general counsel of the 9/11 Commission and held senior positions in the Carter and Clinton administrations.

The strength of the evidence is difficult to assess, because the government has kept much of it secret and because of questions about whether some was gathered through torture.

When the administration has had to defend its accusations in court, government lawyers in several cases have retreated from the most serious claims. As a result, critics have raised doubts about the danger of Guantanamo's prisoners beyond a handful of the camp's most notorious detainees.

But as a new administration begins to sort through the government's dossiers on the men, the analysis shows, officials are likely to face tough choices in deciding how many of Guantanamo's hard cases should be sent home, how many should be charged and what to do with the rest.

The Pentagon has declined to provide a list of the detainees now being held or even to specify how many there are beyond offering a figure of "about 255." But by reviewing thousands of pages of government documents released in recent years, as well as court records and news media reports from around the world, The New York Times was able to compile its own list and construct a picture of the population still held at Guantanamo. Much of the analysis is based on records of hearings at Guantanamo about individual detainees, which have been made public since 2006 as a result of an Associated Press law suit. The Times has posted those documents on its Web site arranged by detainee name.

The analysis shows that about 34 of the remaining detainees were seized in raids in Pakistan that netted three men the government calls major Qaeda operatives: Abu Zubaydah, Ramzi bin al-Shibh and Al Hajj Abdu Ali Shargawi. Sixteen detainees are accused of some of the most significant terrorist attacks in the last decade, including the 1998 American embassy bombings, the 2000 attack on the U.S.S. Cole in Yemen, and the Sept. 11 attacks. Twenty others were called Mr. bin Laden's bodyguards.

The analysis also shows that 13 of the original 23 detainees who arrived at Guantanamo on Jan. 11, 2002, remain there nearly seven years later. Of the approximately 255 men now being held, more than 60 have been cleared for release or transfer, according to the Pentagon, but remain at Guantanamo because of difficulties negotiating transfer agreements between the United States and other countries.

Two of those still held, government documents show, were seen by Mr. bin Laden as potential Sept. 11 hijackers. The case of Mohammed al-Qahtani, whom the government has labeled a potential "20th hijacker," has drawn wide notice because he was subjected to interrogation tactics that included sleep deprivation, isolation and being put on a leash and forced to perform dog tricks.

The other detainee deemed a potential hijacker, whose presence at Guantanamo has gone virtually unmentioned in public reports, is a Yemeni called Abu Bara. The 9/11 Commission said he studied flights and airport security and participated in an important planning meeting for the 2001 attack in Malaysia in January 2000.



The Guantanamo list also includes two Saudi brothers, Hassan and Walid bin Attash. The government describes them as something like Qaeda royalty. Military officials said during Guantanamo hearings that their father, imprisoned in Saudi Arabia, was a "close contact of Osama bin Laden" and that his sons were committed jihadists.

Walid bin Attash is facing a possible death sentence as a coordinator of the Sept. 11 attacks. Hassan bin Attash was alleged to have been involved in planning attacks on American oil tankers and Navy ships.

Hassan bin Attash's lawyer, David H. Remes, said the government's claims about the detainees were not credible. He and other detainees' lawyers say that the government's accusations have been ever-changing and that much of the evidence was obtained using techniques he and others have described as torture. "You look at all of this stuff, and it looks terribly scary," Mr. Remes said. "But how do we know any of it is true?"

The extensive use of secret evidence and information derived from aggressive interrogations has led critics around the world to conclude that many detainees were wrongly held. Nearly seven years after Guantanamo opened its metal gates, only 18 of the current detainees are facing crimes charges.

While both presidential candidates have said they would close the detention center, they have not said in detail how they would handle the remaining detainees.

Mr. McCain has said he would move the Guantanamo detainees to the United States but has indicated that he would try them in the Pentagon's commission system established after 9/11. After the conviction at Guantanamo, last summer of a former driver for Mr. bin Laden, Mr. McCain said the verdict "demonstrated that military commissions can effectively bring very dangerous terrorists to justice."

Mr. Obama has said that the Bush administration's system of trying detainees "has been an enormous failure" and that the existing American legal system—trials in either civilian or military courts—was strong enough to handle the trials of terrorism suspects.

But in a speech on the Senate floor in 2006, Mr. Obama suggested that the allegations against many of the detainees needed to be taken seriously. "Now the majority of the folks in Guantanamo, I suspect, are there for a reason," he said. "There are a lot of dangerous people."

Some of the remaining prisoners have appeared determined to show how dangerous they are. "I admit to you it is my honor to be an enemy of the United States," said a Yemeni detainee, Abdul Rahman Ahmed, a hearing record shows. Officials said Mr. Ahmed had been trained at a terrorist camp "how to dress and act at an airport" and to resist interrogation.

A Saudi detainee, Muhammed Murdi Issa al Zahrani, was described by Pentagon officials as a trained assassin who helped plan the suicide-bomb killing of Ahmed Shah Massoud, the Afghan rebel leader, on Sept. 9, 2001.

"The detainee said America is ruled by the Jews," an officer said at a hearing after interviewing Mr. Zahrani, "therefore America and Israel are his enemies."

One man caught with Abu Zubaydah insisted on his innocence but described a training camp outside Kabul, Afghanistan, where, according to information he gave to interrogators, men were given "lessons on how to make poisons that could be inhaled, swallowed or absorbed through the skin."

Mr. bin al Shibh was caught with a group of six Yemenis, all of whom are still held, after a two-and-a-half-hour gun battle. The

records of those detainees include allegations that some were "a special terrorist team deployed to attack targets in Karachi." One of the men, Hail Aziz Ahmad al Maythal, was trained in the use of rocket-propelled grenade launchers, machine guns and "trench digging, disguise techniques, escape methods, evasion and map reading," according to the military's allegations.

The records include many of the murky cases that typify the image of Guantanamo, where detainees take issue with their own supposed confessions and, sometimes, their identities. And those doubts too are to be part of a new administration's inheritance.

"I was forced to say all these things," an Algerian detainee, Adil Hadi al Jazairi bin Hamlili, said at his hearing when confronted with his confession to murder and knowledge of a plot to sell uranium to Al Qaeda. "I was abused mentally and psychologically, by threatening to be raped," he said, adding, "You would say anything."

Abdul Hafiz, an Afghan accused of killing a Red Cross worker at a Taliban roadblock in 2003, told a military officer that he had the perfect alibi. "The detainee states again that he is not Abdul Hafiz," the officer reported to a military tribunal.

### TRIBUTE TO SENATORS

GORDON SMITH

Mr. LEAHY. Madam President, I would like to pay tribute today to the service of Senator GORDON SMITH, who has served the people of Oregon and his country with honor. I have had the pleasure of serving with Senator SMITH during his two terms here in the Senate, and during that time he, and his wife Sharon, have been become dear friends. Marcelle and I have often enjoyed traveling with Senator SMITH and his wife Sharon, including a couple of trips to Davos, Switzerland, for the World Economic Forum.

Senator SMITH began his political career in 1992 when he was first elected to the Oregon State Senate. There he served as Minority Leader, and the President of the Senate during his first term in office. Since his election to the United States Senate, Senator SMITH has always been willing to reach across the aisle to bring our colleagues together and his leadership has produced a list of impressive legislative accomplishments.

During his two terms here in the Senate, Senator SMITH has committed himself to efforts on behalf of the people of Oregon, supporting both criminal justice reform and expansion of youth services. Following the tragic death of his son Garrett, Senator SMITH worked tirelessly as an advocate for the early intervention and prevention of youth suicide, establishing a grant program for youth mental health programs through the Garrett Lee Smith Memorial Act which was signed into law by President Bush in 2004. I also appreciate the partnership that we forged in advancing the Innocence Protection Act, a package of modest procedural reforms relating to the death penalty, which I introduced in 2000, and much of which was enacted several years later.

Marcelle and I have valued his friendship and wish GORDON and Sharon all of the best.

JOHN WARNER

Madam President, for most of my time in the Senate it has been my privilege to serve alongside one of its most respected members, the senior Senator from Virginia, Mr. WARNER. As he prepares to retire from his Senate service, I would like to pay tribute to him as a leader, a legislator, and as one of my closest friends in this body.

JOHN WARNER is a living emblem of the finest the Senate has to offer. He is a skilled policymaker who actively contributes to the civility that helps the Senate function as the Founders intended.

Senator WARNER has represented the Commonwealth of Virginia with vision, persistence and wisdom. He has helped lead the Senate through debates on some of the most nettlesome national security issues of our time. Always a gentleman, he has carried himself with the utmost integrity and honesty. He is a Senator of his word. We have worked together on many issues, and I am going to miss his counsel and his friendship.

JOHN WARNER came to the Senate in 1979, after early service in the U.S. Navy and the U.S. Marine Corp's, which led to his successful tenure as the Secretary of the Navy. He quickly made his mark on one of Congress's most important committees for steering our national security apparatus, the Senate Armed Services Committee. He rose quickly in seniority and has served as the committee's chairman, ranking member, and chairman emeritus.

He formed a now legendary partnership with Senator Sam Nunn of Georgia, and together they worked to fundamentally restructure the Nation's war-fighting organization in the mid-1980s. He has worked closely with the committee's current chair, Senator LEVIN, and with ranking member Senator JOHN MCCAIN, to support our troops through the wars in Iraq and Afghanistan. As a member of the Defense Appropriations Subcommittee, I have seen how the two key defense committees have come together to make that extensive and crucial department work better. JOHN WARNER has been an important part of this superb working arrangement, and it was fitting that the fiscal year 2007 Defense Authorization Bill was named in his honor.

Senator WARNER is an accomplished advocate for Virginia—the home to a wide variety of military installations, as well as to rural and urban communities of varied needs. He has tackled the difficult transportation challenges of the Washington, DC, metropolitan area, making a real difference in the lives of millions. As a part time resident of Virginia I have always called him my Senator away from home.

Marcelle and I have enjoyed the friendship and company of JOHN and his wife Jeanne, including on the Senate's delegation to the recent 60th Anniversary of D-Day. Foreign leaders know Senator WARNER extremely well;